

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD

In the Matter of the Otter Tail Power
Company Route Permit Application for a
High Voltage Transmission Line, near
Solway, Minnesota.

Findings of Fact, Conclusions and Order
Issuing a Route Permit for a High
Voltage Transmission Line
EQB Docket No. 02-38-TR-OTP

The above-entitled matter came before the Minnesota Environmental Quality Board at a regular meeting on June 20, 2002.

STATEMENT OF ISSUE

The issue before the Board is whether to grant a route permit to Otter Tail Power Company for its two proposed 115 kV transmission lines to interconnect its 44-megawatt electric generating plant with the existing nearby transmission system.

Based upon the information in the record, the EQB makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

Project Description

1. Otter Tail Power Company of Fergus Falls, Minnesota, has made an application to the Minnesota Environmental Quality Board for a Route Permit under the alternative permitting process of the Power Plant Siting Act as provided for in Minnesota Statutes § 116C.575, subd. 2. (3) and Interim Guidance Rule part 4400.2010 (adopted October 18, 2001).
2. The permit application is for the construction, operation, and maintenance of two parallel 115 kilovolt high voltage transmission lines approximately 1,184 feet and 1,176 feet in length to connect a new electric generating plant to an existing OTP 115 kV transmission line. Exhibit 2.
3. The project is located in Township 147 North, Range 35 West in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 16, the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 16, and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the of Section 21 in Lammers Township, Beltrami County, Minnesota.
4. The majority of the line will be constructed on OTP property. The non OTP right-of-way area will be about 250 long by 250 feet wide.

Procedural

5. The EQB Chair accepted the application on March 27, 2002. Exhibit 6.
6. OTP made notice of filing and public meeting. Exhibits 3, 4, and 5.
7. Notice of public meeting was provided by EQB. Exhibits 7 and 8.

8. A public meeting was held in the Lammers Township Hall, Solway, MN on April 16, 2002. The purpose of the meeting was to provide information, to answer questions, and to scope the environmental assessment. Eight members of the public attended the meeting.
9. The scoping comment period ended on April 23, 2002. No comments were received.
10. The Chair issued the environmental assessment scoping decision on April 30, 2002, and it was mailed to those persons on the Project Contact List. Exhibits 9 and 10.
11. The environmental assessment [Exhibit 11] was prepared by the EQB staff and made available on May 17, 2002. Notices of the public hearing and the availability of the environmental assessment were made. Exhibits 12 and 13.
12. The public hearing was held on May 30, 2002 in the Lammers Township Hall, Solway, MN and was presided over by Administrative Law Judge Steve M. Mihalchick of the Office of Administrative Hearings. Four members of the public attended. No issues or comments germane to the transmission line were raised.
13. The hearing record was held open through June 10, 2002 for written comments. No comments were received.

Environmental Assessment

14. The Environmental Assessment addresses the issues that were identified in the scoping decision

Standards and Criteria

15. Interim Guidance Rule part 4400.3000 describes the criteria to apply in evaluating a proposal for a new high voltage transmission line. This part provides that the board shall issue a permit for a HVTL when the board finds that the transmission line is consistent with state goals to conserve resources, minimizes environmental impacts and human settlement and other land use conflicts, and ensures the state's electric energy security through efficient, cost-effective power supply and electric transmission line infrastructure..
16. Interim Guidance Rule part 4400.3100 goes on to set forth factors to consider in deciding whether to issue a route permit for a proposed HVTL.
17. The applicant addressed the relevant factors in its permit application and the EQB has taken into account these factors in deciding whether to issue a permit. The board finds that the proposed transmission lines are consistent with state goals to conserve resources and do minimize environmental impacts and land use conflicts. The board further finds that the transmission lines are efficient and cost-effective and help to ensure the state's electric energy security.
18. The proposed transmission lines will be located primarily on land owned by the Permittee and do not cross or impact any areas specified in Interim Guidance Rule part 4400.3300 as areas where HVTLs are prohibited.
19. A Certificate of Need from the Public Utilities Commission is not required in this case because a Certificate of Need is required for a 115 kV transmission line only if the line is longer than ten miles. Minnesota Statutes § 216B.2421, subd. 2(2).

20. A number of permit conditions which have been included in other route permits issued by the Board are appropriate to include in this permit. The Permittee has no objection to inclusion of these conditions.

Based on these findings of fact the EQB makes the following;

CONCLUSIONS

1. The EQB has jurisdiction to issue a Route Permit for the proposed high voltage transmission lines.
2. No substantive comments on the environmental assessment or the application were filed with the EQB.
3. The proposed high voltage transmission lines meet the criteria and standards established for HVTLs
4. A route permit authorizing construction of the proposed high voltage transmission lines along the route designated should be issued with conditions appropriate to ensure proper construction and operation of the lines.
5. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Environmental Quality Board hereby issues a Route Permit to Otter Tail Power Company for its proposed 115 kilovolt transmission lines to interconnect its 44 megawatt electric generating plant with the existing nearby transmission system.

Approved and adopted this 20th day of June 2002.

State of Minnesota
Environmental Quality Board

Dean Barkley, Vice Chair